

### **REMARKS/ARGUMENTS**

Claims 7-21 remain pending in the application, as claims 1-6 and 22-24 have been previously canceled without prejudice. In the Office Action, the drawings were objected to under 37 CFR 1.83(a). In response, Applicants have submitted a new sheet that includes FIG. 9, which overcomes the Examiner's objection. Support for the new drawing is in paragraph 0039, and no new matter has been added. Replacement sheets are also being submitted in view of the page numbering at the top of each sheet being changed to account for the new drawing.

Also in the Office Action, claims 7, 10, 14, 16, 17 and 18-20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,554,822 to Gilpin, et al. (Gilpin). Claims 9, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpin in view of U.S. Patent No. 4,635,225 to Imai, et al. (Imai). Claims 15 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpin. Finally, claims 8 and 11 were objected to as being dependent upon a rejected base claim.

A brief summary of the Gilpin reference may be helpful here. Gilpin discloses a sealable, latchable door for securing and protecting a PC memory card. The door assembly in Gilpin has a door that is attached to a hinge, and the hinge is attached to a connecting plate slidably mounted in a housing (see column 3, lines 10-13). In addition, when the door assembly is in an extended, disengaged position, the door and the hinge can be pivoted between a lowered, open position (see FIG. 1) and a raised, intermediate position (shown in phantom in FIG. 6). The door is secured in a closed, sealed position through a latch 36 (see FIG. 1). As such, when the door assembly is in the extended, disengaged position, the door – in view of the hinge to which it is attached

- is freely rotatable between the lowered, open position and the raised, intermediate position.

When the door is in the raised, intermediate position, the door is positioned directly in front of the receiving chamber 16 (see phantom outline of FIG. 6) and is pushed towards the opening until it is secured in the closed, sealed position. Thus, when the door is in the raised, intermediate position, a position to which it may rotate freely, the door blocks the opening of the receiving chamber, which prevents a memory card from being inserted into the receiving chamber.

Independent claim 7 has been amended to clarify that the communications device has a connector, that the flap of the accessory cover selectively covers the connector and that when in the open position, the flap allows the connector to receive an accessory that the connector is designed to receive. Support for the amendments can be found in FIG. 2 and in paragraphs 0026, 0029, 0030, 0042, 0043 and 0049. No new matter has been added in view of these amendments.

In contrast, the door in Gilpin, because it is freely rotatable, may block the opening to the receiving chamber when it is in the open position (i.e., not closed and sealed), depending on the positioning of the portable electronic device. The present invention permits the connector to receive the accessory that it is designed to receive, irrespective of the positioning of the communications device when the flap is in the open position.

In view of the above, Applicants believe that independent claim 7 is patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are now patentable, in view of both their dependence from these claims and their independent patentability. Reconsideration and withdrawal of the

rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department – MD 1610  
8000 W. Sunrise Blvd.  
Plantation, FL 33322

Customer Number: 24273

By: \_\_\_\_\_

Larry G. Brown  
Attorney of Record  
Reg. No.: 45,834

Telephone: (954) 723-4295  
Fax No.: (954) 723-3871